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THE HON'BLE SRI JUSTICE P.S. NARAYANA

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W.P.No.12585 of 2005

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Dated 09th June 2006

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Between:

M Rajamma W/o Ramulu

…Petitioner

And:

The Bellampallli Municipality, rep. by its Commissioner

and another

… Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.12585 of 2005

ORDER:

Heard both counsel. The writ petition is filed for an appropriate writ, order or direction one in the nature of writ of mandamus declaring the action of the 1st respondent in trying to evict the petitioner from H.No.7-2-22, Hanumanbasti, 7th ward, besides I Town Police Station, Bellampalli, Adilabad district, without following due process of law as illegal, arbitrary and consequently to direct the respondents not to evict the petitioner from the above H.No.7-2-22, Hanumanbasti, and pass such other suitable orders.

W.V.M.P.No.3389 of 2005 is filed to vacate the interim order passed in W.P.M.P.No.15993 of 2005 dt.15.06.205.

It is specifically stated that the 1st respondent is not touching the building at all. But however, in view of the obstruction caused to the passage-lane, action had been initiated. It is needless to say that when the encroachment was made in public road and when the representation was made by the affected public, it is the duty and also obligation cast upon the concerned Municipality to see that the same is removed. In the light of the stand taken, that the 1st respondent Municipality is not interested in touching the building at all, no further orders need be passed in the present writ petition.

In view of the clear statement made in the counter-affidavit by the 1st respondent in the writ petition, the writ petition is accordingly closed. No order as to costs.

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P.S.NARAYANA, J.

Dt. 09.06.2006

BSS